

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner *mo.*

Date: February 4, 2014

RE: ZP 14-0674HO 106 Deforest Heights

Note: These are staff comments only. Decisions on projects are made by the Development Review

Board, which may approve, deny, table or modify

any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.



File: ZP 14-0674HO

Location: 106 Deforest Heights

Zone: RL **Ward:** 6

Date application accepted: December 31, 2013. Application amended January 21, 2014.

Applicant/ Owner: Tongue & Groove Carpentry / Anya and Jeff Byam

Request: Utilize 120 sf in basement to conduct Home Occupation silk screen business.

Background:

- **Zoning Permit 14-06743CA:** Replace basement window at rear with new larger window to meet egress. Space to remain non-habitable. Approved January 2014.
- **Zoning permit 14-0230CA;** Modify existing second storey porch railing. Approved August, 2013.
- **Zoning Permit 82-524;** Construct a 1/12 pitch roof over existing flat roof. Approved December 1982.

Overview: The applicant wishes to construct an 8' x 10' silk screen area in the garage of the existing single family residence. No retail activities are proposed; no clients will come to the residence, no outside employees or customer hours.

Recommendation: Consent approval per the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review, Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(1) The capacity of existing or planned community facilities;

The proposed home occupation will present no additional impacts on community facilities currently serving the residence. **Affirmative finding.**

(2) The character of the area affected;

The subject dwelling unit is a single family home on Deforest Heights. This is within a residential zoned (Low Density - RL) zone. The proposed home occupation is reserved to a small area of the existing garage, and appears to be low key in nature with no outside employees or customers are proposed.

No adverse impacts on the character of the area are expected. **Affirmative finding.**

(3) Traffic on roads and highways in the vicinity;

As only the resident is proposed as an employee of the home occupation, no adverse impact is anticipated for traffic. **Affirmative finding.**

(4) Bylaws then in effect;

The home occupation if conditioned may comply with all applicable zoning bylaws. The applicant is advised to consult with the Office of the Assessor with regard to the Business Personal Property requirements. **Affirmative finding as conditioned.**

(5) Utilization of renewable energy resources;

No information has been provided with respect to the use of alternative energies. However, the proposed home occupation will not unreasonably deter the actual or potential use of renewable energies by the subject or neighboring properties. **Affirmative finding.**

(6) Cumulative impacts of the proposed use;

As understood, the proposed home occupation will not negatively impact traffic or have any discernible impacts on the neighborhood. **Affirmative finding.**

(7) Functional family;

This criterion does not apply to the subject permit request. **Not applicable.**

(8) Vehicular access points;

The home is accessed by an existing driveway. No changes to it are proposed. Sec. 5.4.6. (b) 6. limits the number of additional off-street parking to one space. As no customers or clients will come to the residence, the additional parking space is not required. **Affirmative finding.**

(9) Signs;

No exterior signs are proposed. Any signage will require a separate sign permit. **Not applicable.**

(10) Mitigation measures;

From submission information, the proposed home occupation will not generate any noxious effects such as noise, glare, or emissions. The applicant proposes silk screening fabric, using one exposure unit run on a regular household outlet. The building inspector has jurisdiction over building code for new construction; his approval will be inherent in the issuance of building permits.

There are no proposed outside changes to the existing residence (other than a separate permit for an egress window) that would affect the character of the surrounding area. **Affirmative finding.**

(11) Time limits for construction;

All construction is proposed for the interior. Limitations will be based on the life of the zoning permit (must start within one year, complete within two.) **Affirmative finding as conditioned.**

(12) Hours of operation and construction;

Days/hours of operation apply solely to the owner/occupant working within their own residence. No evidence is anticipated from the exterior. **Affirmative finding.**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the home occupation will require additional permit review per the regulations in effect at that time. **Affirmative finding as conditioned.**

(14) Performance standards;

The proposed use does not affect any items considered under performance standards such as nuisances, outdoor lighting, or erosion control. **Affirmative finding.**

(15) Conditions and safeguards;

Conditions of approval are included in effort to address potential undue adverse impacts to the surrounding area. As noted, the fire marshal and building inspector have been consulted about any concern relative to the proposed home occupation and equipment. As noted, the building inspector has jurisdiction over building code for new construction; his approval will be inherent in the issuance of building permits. **Affirmative finding.**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.6, Home Occupations

1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.

The applicant indicates the intent for one (owner) resident. The home occupation is proposed for a 8' x 10' area of the garage. No outside employees are proposed. The property is within the RL zoning district. **Affirmative finding.**

2. No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.

The Assessor gives gross floor area of the house (including the basement) as 4222 sq. feet. The proposed area for the silk screening home occupation is 80 square feet – for a dedication of approximately 1.89% of the gross floor area for the proposed home occupation. **Affirmative finding.**

3. No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.

No site changes are included in this proposal. No equipment that results in a change to the fire rating is allowed. The building inspector has jurisdiction relative to building code for new construction. His approval (or denial) will be inherent in the issuance of related building permits. **Affirmative finding.**

4. There shall be no outside storage of any kind related to the home occupation.
No outside storage is proposed. **Affirmative finding.**

*5. There shall be no exterior evidence of the conduct of a home occupation except for:
Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each);
and
One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*
No garage/lawn/yard type sales are included in this proposal. No outdoor signs are proposed. **Affirmative finding.**

6. No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.

As only the resident owner is proposed to be engaged in the home occupation, no additional traffic is proposed. No deliveries or commercial vehicles will be used in the exercise of the home occupation. The proposed location will require one parking space to be moved outside the garage; however tandem parking is allowable. The first parking space will remain within the garage, thereby avoiding Front Yard Parking conflicts. **Affirmative finding.**

7. No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.

The home occupation is proposed for the garage of an existing residential structure. No nuisance, hazard or unsightliness is anticipated with the exercise of the home occupation. **Affirmative finding.**

8. *The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

The home occupation as proposed to be conducted in an existing garage area that is clearly secondary and incidental to the primary residential use of the property. **Affirmative finding.**

9. *Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.*

No deliveries are proposed, as indicated on the Home Occupation Questionnaire completed by the applicant. **Affirmative finding.**

10. *With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and*

As noted above, no deliveries are projected, and no commercial vehicles will be associated with the proposed home occupation. **Affirmative finding.**

11. *There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.*

No sale of goods on the premises is proposed. **Affirmative finding.**

II. Conditions of Approval:

1. This home occupation is subject to all of the requirements of Sec. 5.4.6, *Home Occupations*, of the Comprehensive Development Ordinance.
2. The applicant is advised to consult with the Office of the Assessor with regards to the Business Personal Property requirements.
3. No additional equipment or materials that results in a change to the fire rating shall be allowed. The building inspector has authority for code jurisdiction, and his approval will be inherent in the issuance (or denial) of associated building permits.
4. There shall be no sale of raw materials or other goods from the property as part of the approved home occupation.
5. There shall be no outside storage of any kind related to the home occupation.
6. There shall be no exterior evidence of the conduct of the home occupation, except for as noted in 5.4.6 (b), 5, above.
7. The home occupation may not increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.
8. The home occupation shall not create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.
9. Standard Permit Conditions 1-15.

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DEC 31 2013

DEPARTMENT OF
PLANNING & ZONING

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.ci.burlington.vt.us/planning
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.ci.burlington.vt.us/assessor/businesses

Name of Business Proposed: YaYa Designs

Type of Business Proposed: Hand silkscreened fabric

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation. This may be done on a separate piece of paper and attached.

Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation:
Residents of premises: 1 Others 0 Total Number 1
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:
Hand silkscreened fabric
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
Create a workroom in the basement garage
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used. (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage).
Silkscreening room in basement - all supplies stored there (2 ~~140~~ sq feet)
garage 120
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
One exposure unit run on a regular household outlet
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
No Display - will all be stored in the basement workroom
No retail out of the home. No outside traffic into the home
Days/hours of operation apply solely to myself working. No outside employees or customer hours.

PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes _____ No X
If yes, please explain in detail:

8. Are any signs necessary or proposed relative to the Home Occupation?
Yes _____ No X
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
N/A

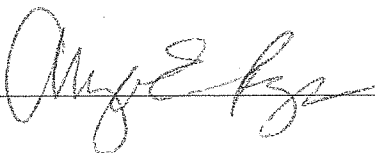
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes _____ No X
If yes, please explain:

11. How many parking spaces will be provided for the home occupation? 2
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes X No _____
We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

Applicant's Signature: 

Date: 12/31/13

Property Owner's Signature: 

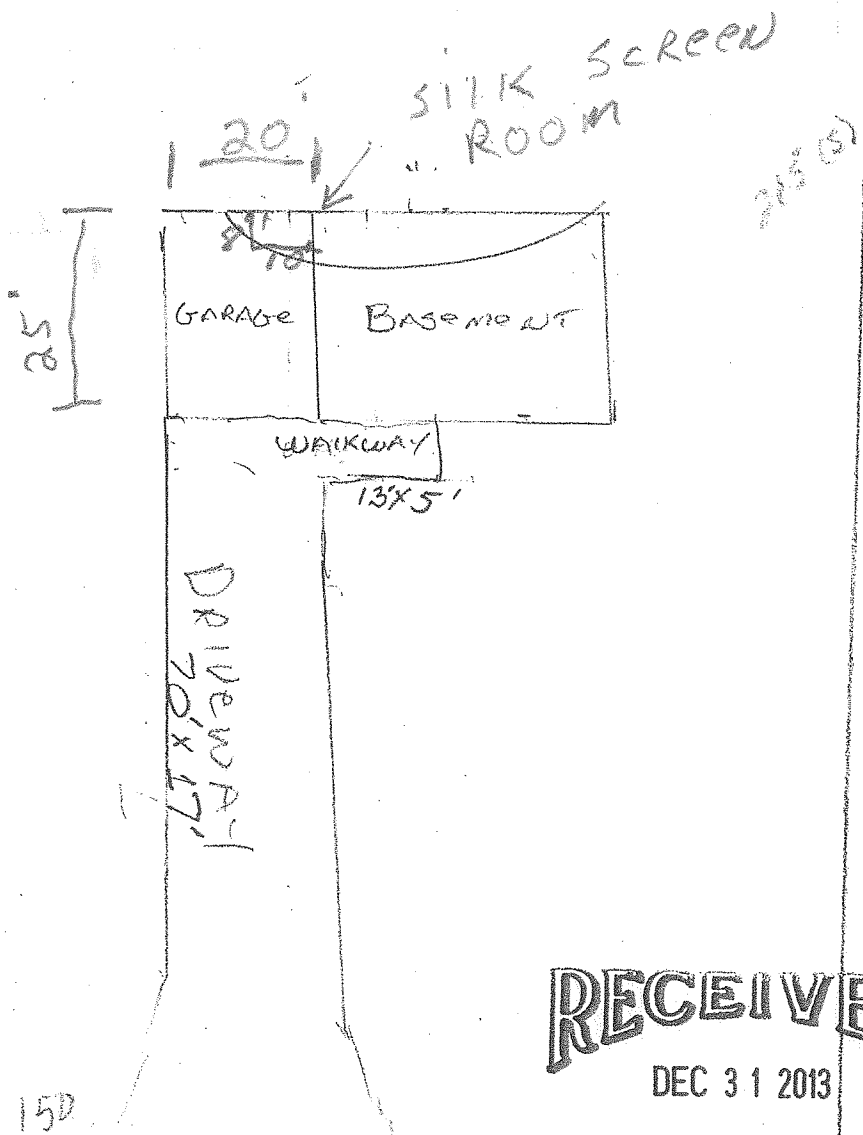
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1" = 20'



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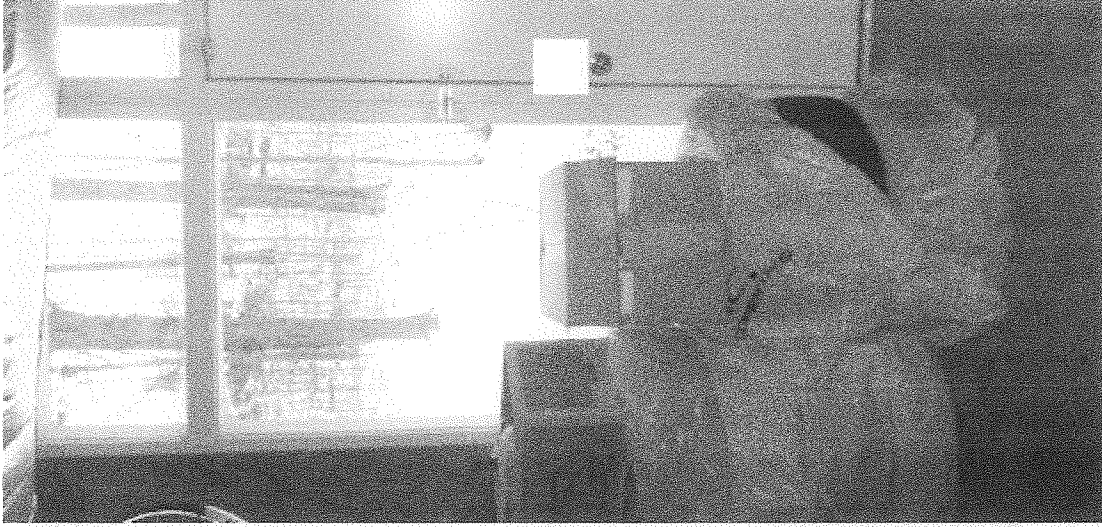
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